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Attorneys for Plaintiffs MACY'S, INC. and
14 MACYS.COM, INC.

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 MACY'S, INC. and MACYS.COM, INC.,

19 Plaintiffs,

20 v.

21 STRATEGIC MARKS, LLC,

22 Defendant.

23
24 STRATEGIC MARKS, LLC,

25 Counter-Claimant,

26 v.

27 MACY'S, INC. and MACYS.COM, INC.

28 Counter-Defendants.

Case No. CV 11-6198 SC

**DECLARATION OF MARC J. JASON IN
SUPPORT OF PLAINTIFFS' MOTIONS
IN LIMINE NOS. 1-7**

Date: December 20, 2013

Time: 10:00 a.m.

Crtm: 1

Judge: Honorable Samuel Conti

1 I, Marc J. Jason, hereby declare and state as follows:

- 2 1. I am a senior counsel at Amster, Rothstein & Ebenstein LLP, attorneys for
3 plaintiffs Macy's, Inc. and Macys.com, Inc. (together, "Macy's") in this action. I
4 make this declaration in support of Macy's seven pre-trial motions *in limine*.
5
6 2. Attached hereto as Exhibit A is a true and correct copy of a print-out from the
7 website www.prweb.com showing a public relations newswire dated
8 September 8, 2011 entitled "Macy's Files Opposition to Block the use of their
9 Expired Department Store Trademarks; Strategic Marks, LLC Stands Firm On
10 Its Right to Own Them."
11
12 3. Attached hereto as Exhibit B is a true and correct copy of an email and
13 attachment dated June 7, 2013 from Ellia Kassoff to Terry Lundgren and Karen
14 Hoguet, with copies to Roman Warchola and Wendy Schmidt.
15
16 4. Attached hereto as Exhibit C is a true and correct copy of an email dated
17 February 27, 2012 from Ellia Kassoff to Christopher S. Walters, with copies to
18 Chester Rothstein, Anthony LoCicero, Jessica Capasso, Holly Pekowsky and
19 Garner K. Weng.
20
21 5. Attached hereto as Exhibit D is a true and correct copy of two emails dated
22 March 28, 2012, the first email from Christopher S. Walters to Ellia Kassoff with
23 copies to Jessica Capasso, Anthony LoCicero, Chester Rothstein and Garner
24 K. Weng; the second email from Ellia Kassoff to Christopher S. Walters with
25 copies to Jessica Capasso, Anthony LoCicero, Chester Rothstein and Garner
26 K. Weng.
27
28 6. Attached hereto as Exhibit E is a true and correct copy of a screen shot from
the Facebook page of Ellia Kassoff, with three posts dated November 14,

1 2012, November 6, 2012 and October 30, 2012, and bearing Macy's document
2 production number MACYS008041.

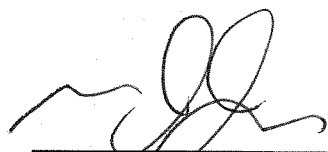
3 7. Attached hereto as Exhibit F is a true and correct copy of two emails from Ellia
4 Kassoﬀ to Terry Lundgren and Karen Hoguet, with copies to Benjamin Ashurov
5 and Roman Warchola, the first email dated February 7, 2013 and the second
6 email dated February 21, 2013.

7
8 8. Attached hereto as Exhibit G is a true and correct copy of a document entitled
9 "Declaration Certifying Records of Regularly Conducted Activity" purportedly
10 executed by John J. Pupek on May 15, 2013 and attachments, bearing
11 defendant's document production numbers BN 013380 to BN 013394.

12
13 9. Attached hereto as Exhibit H is a true and correct copy of an excerpt from the
14 transcript, pages 79-80, of the deposition of Ellia Kassoﬀ conducted on
15 November 12, 2012.

16 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
17 is true and correct.

18
19 Executed at New York, New York
20 December 6, 2013



Marc J. Jason